

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**JOHN DAVID HALE,**

Defendant.

**Case No. 17-03021-01-CR-S-MDH**

**GOVERNMENT’S MOTION TO DISMISS COUNT 2**

COMES NOW, the Government by and through the undersigned attorney that hereby requests leave of Court to dismiss Count 2 of a federal indictment in the above-styled case pursuant to Federal Rule of Criminal Procedure 48(a). In support of said motion, the Government states the following:

1. That Count 2 was a subject of a motion to suppress by the defendant that the Court sustained. The Government does not plan to pursue this action under another legal theory and thus the Government respectfully requests that Count 2 of the above-styled case be dismissed;
2. That the defendant was found not guilty on Count 1 of the Indictment.

Therefore, the Government respectfully requests that this Court dismiss with prejudice  
Count 2 of the Indictment in the above-styled case.

Respectfully submitted,

TIMOTHY A. GARRISON  
United States Attorney

By /s/ Abram McGull II  
ABRAM MCGULL II  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was delivered on January 9, 2020, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Abram McGull II  
Abram McGull II  
Assistant United States Attorney